

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD MADRIGAL, et al.,

No. 09-3436 MMC

Plaintiffs,

v.

ONEWEST BANK, et al.,

Defendants

**ORDER DIRECTING PLAINTIFFS TO
SHOW CAUSE WHY CLAIMS AGAINST
DEFENDANT UNITED FINANCIAL
MORTGAGE CORPORATION SHOULD
NOT BE DISMISSED FOR FAILURE TO
SERVE**

"If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or its own initiative, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified period" Fed. R. Civ. P. 4(m).

On July 27, 2009, plaintiffs filed the instant action. To date, plaintiff has not filed proof of service of the summons and complaint upon defendant United Financial Mortgage Corporation ("United Financial"). Pursuant to Rule 4(m), plaintiffs are hereby ORDERED TO SHOW CAUSE, in writing and no later than December 23, 2009, why plaintiffs' claims against United Financial should not be dismissed for failure to serve within the time required by Rule 4(m).

IT IS SO ORDERED.

Dated: December 3, 2009


MAXINE M. CHESNEY
United States District Judge